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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2685/90

of 17 September 1990

amending Regulation (EEC) No 2089/84 imposing a definitive anti-dumping duty on imports of certain ball bearings originating in Japan and Singapore

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 12 and 14 thereof,

Having regard to the proposal submitted by the Commission, after consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROCEDURE

- (1) In June 1988 the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of a review of anti-dumping measures concerning imports of single-row deep-groove radial ball bearings with greatest external diameter not exceeding 30 mm, originating in Japan, and commenced an investigation, in accordance with Article 14 of Regulation (EEC) No 2423/88. The measures in question consisted of definitive duties imposed by Council Regulation (EEC) No 2089/84⁽³⁾, which covered imports of this product from Japan and Singapore and was last amended by Regulation (EEC) No 3528/87⁽⁴⁾.
- (2) The proceeding was initiated as a result of a complaint lodged in December 1987 by the Federation of European Bearing Manufacturers'

Associations (FEBMA) on behalf of producers representing a major proportion of Community production of the ball bearings in question. The complaint requested a review of the measures relating to Japan only and alleged the existence of higher dumping margins and price undercutting. It claimed that higher anti-dumping duties should be imposed. The evidence contained in this complaint was considered sufficient to justify opening a proceeding.

- (3) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.
- (4) A number of the exporters, some importers and the majority of Community producers, represented by the complainant, made their views known in writing.
- (5) The Commission sought and verified all information it deemed necessary for the purposes of this proceeding and carried out investigations at the premises of the following :

(a) Community producers

- FAG Kugelfischer Georg Schäfer KGaA, Schweinfurt, Germany,
- Georg Müller Nürnberg AG, Nürnberg, Germany,
- Gebrüder Reinfurt GmbH & Co. KG, Würzburg, Germany,
- SKF Industrie SpA, Turin, Italy,
- SKF Roulements Spécialisés (ADR), Thomery, France,
- SKF France, Clamart, France,
- ROL Rolamentos Portugueses SARL, Caldas de Rainha, Portugal ;

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 159, 18. 6. 1988, p. 2.

⁽³⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽⁴⁾ OJ No L 336, 26. 11. 1987, p. 1.

(b) *Japanese producers/exporters*

- NTN Toyo Bearing Co. Ltd, Osaka, Japan,
- Nachi-Fujikoshi Corp., Tokyo, Japan,
- Nippon Seiko KK, Tokyo, Japan,
- Koyo Seiko Co. Ltd, Osaka, Japan,
- Sapporo Precision Inc., Sapporo, Japan,
- Inoue Jikuuke Kogyo Co. Ltd, Osaka, Japan,
- Nankai Seiko Co. Ltd, Osaka, Japan,
- NSK Micro Precision Co. Ltd, Tokyo, Japan ;

(c) *Importers into the Community*

- Koyo (UK) Ltd, Milton Keynes, United Kingdom,
- Koyo France SA, Argenteuil, France,
- Deutsche Koyo Wälzlager Verkaufsgesellschaft mbH, Hamburg, Germany,
- Europa-Koyo BV, Nieuwpoort, Netherlands,
- NTN Bearings (UK) Ltd, Burntwood, Staffs, United Kingdom,
- NTN France SA, Schweighouse-sur-Moder, France,
- NTN Wälzlager (Europa) GmbH, Erkrath, Germany,
- NSK Bearings Europe Ltd, Edgware, United Kingdom,
- NSK France SA, Voisins-le-Bretonneux, France,
- NSK Kugellager GmbH, Ratingen, Germany,
- Nachi (UK) Ltd, Birmingham, United Kingdom,
- Nachi (Germany) GmbH, Neuss, Germany,
- Nachi Industrial SA, Salamanca, Spain,
- Import Standard Office (ISO), Paris, France.

- (6) Following this stage, the Commission formulated some preliminary findings on dumping and injury. The complainant and the majority of the exporters requested, and were granted, an opportunity to be heard by the Commission. The Commission informed them in detail of the facts on which it had based its findings.

At their request, the parties were also informed of the essential facts and considerations on the basis of which it was proposed to recommend the amendment of the anti-dumping duties in force.

The parties were granted a period within which to make representations on any of the above matters subsequent to the disclosure meetings. Where appropriate, their comments were taken into consideration.

- (7) The investigation of dumping covered the period 1 April 1987 to 31 March 1988 (the investigation period).
- (8) This investigation has exceeded the normal time period because of the volume and complexity of the data initially gathered and examined and because the completion of the investigation has required the study of related issues which arose during the proceeding and which could not have been foreseen at its outset.

B. PRODUCTS UNDER CONSIDERATION

(i) *Definition of products*

- (9) The products concerned are single-row deep-groove radial ball bearings with a greatest external diameter not exceeding 30mm ; they fall within CN code 8482 10 10.
- (10) The complainants suggested that the review be extended to all ball bearings with greatest external diameter not exceeding 30mm, i.e. not only the single-row deep-groove radial ball bearings. However, as is explained in detail in recitals 52 and 53, the Commission did not consider it appropriate to extend the scope of application of the Regulation under review.

(ii) *Description of products*

- (11) The products under consideration cover a large number of standard bearing types, all available with different accessories, plus many special types made to the specification of the customer. Within this product definition, a distinction is sometimes made between the so-called miniature and instrument bearings and the standard small-sized bearings. However, they have the same basic physical characteristics and therefore no clear dividing line can be made between them.
- (12) The major components of the bearings under consideration are an inner and outer ring (usually in chrome, but sometimes stainless steel), a cage and a variable number of balls. Metal shields or rubber seals can be added, depending on the customer's requirements, and a variety of greases are applied. Their function is to reduce friction and so enable machine parts to move faster and more smoothly. The main applications of the bearings in question are in consumer electronics, domestic appliances and office automation.
- (13) Ball bearings are intermediate products used in the assembly of consumer and capital goods or for replacement purposes. The demand for ball bearings therefore depends directly on the demand for the final product (e.g. washing machines, vacuum cleaners, video recorders, fans, small electric motors). Small ball bearings generally account for only a tiny fraction of the cost of the final product.

C. DUMPING

(i) Normal value

- (14) Normal value has been established on a type-by-type basis, after verification of the data submitted by the producers on domestic prices and cost of production.
- (15) In the case of those types where the weighted average domestic price (net of all discounts and rebates actually granted) to independent customers in Japan equalled or exceeded the cost of production and the volume of domestic sales was equivalent to at least 5 % of the exports to the Community, the domestic price was used as the basis for the normal value. This was the case in a great majority of bearing types.
- (16) For bearing types where the domestic price was below the cost of production, where domestic sales amounted to less than 5 % of the volume of exports to the Community or where the type exported to the Community was not sold domestically, the normal value was based on the cost of production plus domestic profit. Domestic profit was obtained by making a type-by-type comparison of the price of all types sold on the domestic market with their cost of production, and calculating the profit margin on a weighted average basis; loss-making types are excluded from this calculation, in conformity with Article 2 (4) of Regulation (EEC) No 2423/88.
- (17) Two Japanese producers complained of the allegedly high profit margins attributed to them (in the cases where the method described in recital 16 had been used), while one of them also contested the increase of its selling, general and administrative expenses (SGA) in the construction of its normal values, decided by the Commission after the on-spot investigation. These complaints have been rejected, since the calculation of both the domestic profit margin (see recital 16, *in fine*) and of the SGA have been made in strict accordance with the Commission practice and the Community provisions in force; concerning the SGA in particular, it should be pointed out that the complaining company had adopted an allocation system which, during the on-spot investigation, proved to be unverifiable and the Commission therefore determined the costs in proportion to the turnover, in accordance with Article 2 (11) of Regulation (EEC) No 2423/88.

(ii) Export price

- (18) Where Japanese producers exported directly to independent customers in the Community, export

prices were determined on the basis of the prices actually paid, or payable, for the bearings sold.

- (19) Where exports were made to subsidiary companies which carried out a complete sales and marketing operation within the Community, it was considered appropriate, in view of the relationship between exporter and importer, to construct export prices on the basis of the prices at which the bearings were first resold to an independent buyer. Discounts and rebates given in direct connection with these sales to independent customers were deducted from the prices. Suitable adjustment was made to take account of all costs incurred between importation and resale, including all duties and taxes, and a reasonable profit margin of 6 %, as in the previous investigation.
- (20) Where allocations of costs had to be made in constructing export prices, this was normally done on the basis of turnover. The costs and turnover used for this purpose were those of the importer's last financial year, ending within the reference period. On any occasion that an allocation of sales, administrative or other general expenses was not made on the basis of turnover, this was subject to the Commission receiving satisfactory proof, in the course of its on-spot investigation, that the alternative method used reflected more appropriately the incidence of the costs involved.
- (21) The two producers referred to in recital 17 contested some of the increases in their subsidiaries' SGA decided by the Commission after its on-spot investigation. They also provided additional evidence on this matter. After careful consideration of their arguments and of new evidence, the Commission decided partly to modify the calculation of certain subsidiaries' costs and consequently to increase the export price.

(iii) Comparison

- (22) Normal value and export price (brought to ex factory level) were compared on a transaction-by-transaction basis at the same level of trade. All types compared had the same specifications and grade of precision. Adjustments have been made to both normal value and export prices in order to take into account the selling expenses, in accordance with Article 2 (10) (c) of Regulation (EEC) No 2423/88. In this respect, two of the producers complained of the rejection of a part of their claims for allowances. These complaints were not justified; claims for allowances have been rejected only when, in view of the factual findings of the on-spot

investigation, the Commission had established that the requirements of the abovementioned Article 2 (10) (c) were not met. In addition, one of the abovementioned Japanese companies argued that it should have been granted a level of trade adjustment. However, it accepted that it failed to substantiate this claim. From an examination of its reply to the questionnaire it was impossible to establish that two levels of trade existed, particularly because in many cases prices to industrial users were exactly the same as prices to distributors.

- (23) Another producer claimed that there was a discrepancy in the calculation methods, since all costs and expenses of the related exporter are taken into account, while only a part of the costs and expenses of the producer are counted. However, and in view of Article 2 (9) (b) of Regulation (EEC) No 2423/88, the Commission cannot accept this point because of a lack of any supporting evidence.

(iv) Nippon Seiko KK and related companies

- (24) A substantial part of the information provided by Nippon Seiko KK in reply to the Commission's questionnaire was found not to meet the requirements of the Community legislation for the following reasons:

- incorrect report of the discounts given in the domestic market,
- comparison of normal value and export price based on types only similar and not identical,
- totally incomplete reply of the NSK group company NSK Micro Precision Ltd,
- substantial errors in the submission of NSK France concerning transport costs and customs duties;

Furthermore, it proved impossible to verify the data provided by NSK relating to their costs of production. Firstly, it was impossible to link any of the cost of production data provided in NSK's reply to the Commission's questionnaire to the audited annual accounts of the company. Secondly, the company alleged that it did not keep costings for individual bearing types and therefore could not supply cost information in the form requested by the Commission. The investigation showed that the method applied by NSK to allocate costs to particular bearings types did not reflect the true cost of each bearing, because a large proportion of the costs were averaged between standard types and more specialized types. The Commission accepts that it is not necessary for a company to keep, for

its own internal accounting purposes, cost information on an individual bearing-by-bearing basis, but considers that the averaged costs supplied by NSK cannot be used in an anti-dumping investigation. In this respect, NSK made no attempt to apply a methodology that would give a proper cost of production for each bearing type. In addition, some of NSK's internal records showed much higher costs of production for some bearing types than the costs provided by NSK in its reply to the questionnaire. In these circumstances, the Commission rejected the company's submission with regard to the costs of production.

Therefore, and without need to decide whether the NSK submission as a whole was 'false' or 'misleading' within the meaning of Article 7 (7) (b) of Regulation (EEC) No 2423/88, it was decided to reject it and to determine the dumping as explained in recital 26.

- (25) The information provided by NSK Micro Precision Ltd was found to be incomplete and the reply of this company was rejected by the Commission; since this firm is related to Nippon Seiko KK, it will be treated in the same way as the latter company for the purpose of the dumping margin. Inoue Jikuu Kogyo (IJK) provided a full and satisfactory reply to the Commission's questionnaire; however, it is not considered appropriate to fix a separate dumping margin for this company, since it is also related to Nippon Seiko KK.

- (26) Under the conditions described in recitals 24 and 25, the Commission considered that the results of its investigation provided the most accurate basis for determining the level of dumping and that it would constitute a bonus for non-cooperation to assume that the dumping for Nippon Seiko KK and for its two related companies was lower than the highest dumping margin found among Japanese producers.

(v) Dumping margins

- (27) Normal values of the Japanese producers have been compared with the export prices of comparable models on a transaction-by-transaction basis, except for those exporters where the use of weighted averages did not materially affect the results of the investigation. For some exporters, sampling techniques, i.e. selection of the most representative types, were used when comparing export prices and normal value or for calculating domestic profit; this was done for those exporters where the number of types involved was particularly large.

- (28) The dumping margin was considered to be the total amount by which normal values exceeded the export prices to the Community. This was converted into a percentage figure by dividing it over the total cif value of all types taken into consideration. The margins of dumping found varied according to the exporter, and the weighted average margins were as follows:

— Sapporo Precision :	4,56 %
— NTN Toyo Bearing :	25,90 %
— Nachi Fujikoshi :	30,74 %
— Koyo Seiko :	30,85 %
— Nankai Seiko :	46,80 %

No dumping margin has been found for Fujino Iron Works Ltd.

- (29) The Council confirms the conclusions of the Commission relating to dumping.

D. INJURY

(i) Like product

- (30) The ball bearings produced in the Community have the same physical characteristics and uses as the bearings defined in recital 9.

(ii) Preliminary observation

- (31) In assessing injury, account has been taken of the fact that the material injury suffered by the Community industry prior to the entry into force of Regulation (EEC) No 2089/84 should normally have been eliminated following the anti-dumping duties imposed by the above Regulation. Therefore, within the framework of the present review, examination should be made only of whether there are some elements of injury remaining in spite of the application of the above anti-dumping duties and whether there will be a resurgence of material injury in case of removal of these duties. When this latter question is addressed, it should also be taken into account that the five-year period provided for in Article 15 of Regulation (EEC) No 2423/88 has expired during the investigation.

(iii) Community industry

- (32) For the purpose of this investigation, the Japanese-owned companies producing in the Community are not considered part of the Community industry under Article 4 (5) of Regulation (EEC) No 2423/88. This is because they are related to exporters from Japan of the dumped product under investigation. They sell all their production to the

same Japanese sales subsidiaries who are involved in selling imported bearings from Japan at dumped prices, and they thus benefit from these unfair business practices. In these circumstances, they cannot be considered to be behaving as normal Community producers but rather as a complementary source of supply for exporters practising dumping.

After excluding the Japanese-owned companies from the scope of the proceeding, the Commission found that, during the period under investigation, the Community producers on behalf of whom the complaint was lodged manufactured about 85 % of Community production. This is clearly a major proportion of total production and these companies are therefore considered as forming the Community industry.

(iv) Current situation

(a) Volume and market shares of imports

- (33) Between 1985 and the investigation period, total sales of ball bearings in the Community rose from 332 500 000 pieces to 356 100 000 pieces, an increase of 7,1 %.
- (34) Over the same period, sales of bearings originating in Japan fell from 31 300 000 units to 21 700 000 units, this decrease being mainly the result of the imposition of the anti-dumping duties in 1984 and of the decision of most major Japanese companies to move production either to the Community or to other third countries not subject to anti-dumping duties; the market share of the Japanese-made bearings amounted to 6,1 % during the investigation period.

(b) Prices

- (35) Price investigations have been undertaken in the French, German, Spanish and United Kingdom markets. Calculations have been made on weighted average basis and have always involved representative types of bearings, sold in reasonable quantities, usually exceeding 50 000 pieces. Only sales to industrial users who purchase bearings for incorporation into their final product (e.g. makers of vacuum cleaners, VCRs, etc.) have been taken into account, since these industrial users account for the great majority of the sales made by the Japanese and Community producers and are almost the only customers who buy in sufficient quantities to enable a comparison to be made.
- (36) The comparison between the prices of the Community producers and the prices of Japanese exporters proves that the latter are still, in spite of the anti-dumping duties in force, on the whole,

slightly lower. However, this price undercutting is sporadic, generally small and does not exceed 3 % on average. Moreover, the quantification per company is made uncertain by the fact that many of the Japanese companies involved sell only a limited number of types in sufficient quantities to render meaningful a comparison with European producers. Under these conditions, no individual margins for price undercutting have been established for each company involved.

(c) Situation of the Community industry

- (37) **Market shares :** Although the Community sales of the Community industry rose by 3,5 %, from 112 million pieces to 116 million pieces, between 1985 and the investigation period, the 7,1 % increase in total demand in the Community market (see recital 33) meant that the Community industry's market share dropped from 33,6 to 32,5.
- (38) **Price depression :** Concerning price depression, the amount found was considerable. The average unit selling price of most Community producers to industrial users fell between 1985 and the investigation period ; for the major Community producers the average decreases, in current terms, varied from 2,6 to 9 %.
- (39) **Profitability :** The overall profitability of the Community producers in the sector of the bearings under investigation has declined by more than half since 1985, leading to a situation where current profits are, as shown below, clearly inadequate to finance the additional expenses required to keep the Community industry competitive. In view of the substantial additional investments in fixed assets that the Community producers will be required to make in the next few years, as well as the extra expenditure on research and development, personnel and marketing, the Commission has concluded that a 15 % pre-tax profit margin is required for this purpose, which also corresponds broadly to an empirical/historical approach to the profitability issue, i.e. there was an adequate level of profitability in 1985 when the overall profit margin stood at 15 % of sales. The profitability achieved during the investigation period fell far below this figure. During this period the profitability of the Community industry, on sales made in the ordinary course of trade in the Community, just reached 8 %, leading thus to a profit shortfall of 7 %.
- (40) **Production, capacity utilization and employment :** Community production fell from 170 600 000 pieces in 1985 to 153 900 000 units during the investigation period, a decline of 10 %.

Community production capacity, calculated as far as possible on a two-shift, five day/week basis, expanded from 177 500 000 pieces in 1985 to 185 500 000 pieces during the investigation period. Utilization of capacity therefore declined from 96 % in 1985 to 83 % in the reference period.

Over the same period, employment in the sector declined from 2 304 to 2 033 — a net loss of 271 jobs and a fall of 12 %.

(v) Possible effects of removal of the anti-dumping duties

- (41) In the market of high volume industrial users, as opposed to the distributors/dealers market, Japan is one of the main competitors of the Community producers ; 85 % of Community producers' sales are destined for the industrial users' market, while the corresponding figure for Japan in the investigation period is 80 %. On the other hand, there are no real differences in quality, particularly in the case of standard types, and price is the main consideration in sourcing supply of these products. Thus, within the framework of the present review, the Council had to take into account the possible effects of the removal of the anti-dumping duties in force.
- (42) The fact that the dumping margins found following the present review proceeding are in almost all cases substantially higher than the margins found following the original proceeding leads to the conclusion that, in case of removal or substantial reduction of the current anti-dumping duties, Japanese imports will probably be made at even lower prices, substantially undercutting the Community producers and aggravating the current situation with regard to price erosion and profitability shortfall. Furthermore, in such a case, Japanese exporters will inevitably increase their market shares, at the expense — at least in part — of the Community producers, with negative consequences on the level of production, capacity, utilization and employment.
- (43) On the other hand, the initiation, in 1988, of an anti-dumping proceeding in the United States (which led to anti-dumping duties of between 21 and 107 % being imposed on Japanese bearings) will necessarily leave a limited outlet for Japanese exports on the United States market, where demand for ball bearings is traditionally high ; this may have the effect of diverting Japanese exports to other destinations with high demand, particularly the Community, where Japanese exporters are well established and already have distribution networks.

(44) Furthermore, the adoption of measures against the Thai imports into the Community, following the proceedings initiated in June 1988 ⁽¹⁾, may provide an opportunity for Japanese exporters to expand their market shares if their duties are removed.

(45) In those circumstances, the Commission concludes that there is a real risk that the removal of the anti-dumping duties in force will lead to an aggravation of the existing situation and to the Community industry again suffering material injury.

(46) The Council confirms the conclusions of the Commission relating to injury.

E. COMMUNITY INTEREST

(47) In general, it is in the Community interest for there to be fair and workable competition, and the purpose of measures in this case is to re-establish a situation of fair competition. In considering the Community interest, the Council has taken account of the interest of the Community ball bearing industry, the users of ball bearings and the final consumer of the end product.

In the absence of measures, a continuation of the trend observed would lead to negative consequences for the Community industry producing the ball bearings in question and endanger its viability. The loss of this industry would have serious consequences from the point of view of:

- employment, investment expenditure,
- research and development in high technology areas (particularly new materials),
- development of new products in fast-growing sectors (telecommunications, aerospace and vehicle electronics).

It is in the interest of the Community that such consequences do not occur.

As far as the purchasers of ball bearings (and, implicitly, the final consumers of their products) are concerned, it may be argued that they could derive some benefit from buying dumped low-priced bearings. Any such benefit, however, would be minimal, since the bearings in question account for only a tiny fraction of the final price of most products. This is confirmed by the fact that no Community purchaser of ball bearings up to 30

mm external diameter has reacted to any of the proceedings.

(48) The Council has therefore concluded that, on balance, the interest of the Community in this case clearly lies in maintaining protection for its ball bearings industry against unfair competition caused by imports at dumped prices.

F. PROPOSED MEASURES

(i) Rate of duty

(49) In order to determine the rate of duty required under the circumstances explained above, the Council at first considered the possibility of renewing the existing duties. In the present case, however, this solution would cause unjustified discrimination between the Japanese companies concerned: the duties in force, ranging from 4 to 14,7 %, correspond to the dumping margins found in 1984, while the current dumping margins of the companies representing a large majority of Japanese exports to the Community now range only between 25,9 and 30,8 %; furthermore, no differentiation is possible between Japanese exporters as regards the threat which they represent for the Community industry.

(50) In view of the above findings, it has been decided to base the calculation of the duties on the current indicators of the Community industry, and in particular on the profitability shortfall, considered to be the most appropriate for the purposes of the present review. The calculation of the profitability shortfall at 7 % (see recital 39) having been made on the resale price level, a conversion to cif level is required in order to ensure the equal treatment of the companies, irrespective of their organization and policies between import and resale. Following this conversion, made in accordance with the ratio cif level/resale price for each exporter on weighted average basis, the duties are established as follows:

— Sapporo Precision :	4,5 %
— Nankai Seiko :	7,0 %
— Nachi Fujikoshi Corp. :	8,1 %
— Koyo Seiko Co. Ltd :	8,7 %
— Nippon Seiko KK :	9,2 %
— NSK Micro Precision Ltd :	9,2 %
— Inoue Jikuu Kogyo Ltd :	9,2 %
— NTN Toyo Bearing Co. Ltd :	10,0 %
— Others :	10,0 %

No anti-dumping duty will be levied on imports of the like product from Fujino Iron Works Ltd.

⁽¹⁾ OJ No C 147, 4. 6. 1988, p. 4.

- (51) For the reasons given in recital 25, the level of the duty to be levied on NSK Micro Precision Ltd and Inoue Jikuuke Kogyo Ltd will be the same as that applied to Nippon Seiko KK, i.e. 9,2 %. Any other exporters of the like product originating in Japan, not already mentioned in this Regulation, will be subject to the highest of the above duties, i.e. 10,0 %.

(ii) Scope of the duty

- (52) The *ratione materiae* scope of application of Regulation (EEC) No 2089/84 did not cover all ball bearings with greatest external diameter not exceeding 30 mm, falling within heading No 84.62 of the Common Customs Tariff (corresponding to Nimex code ex 84.62-01), but only the single-row deep-groove radial ball bearings in this size category. The request for review referred, however, to all ball bearings with greatest external diameter not exceeding 30 mm, i.e. including angular contact, thrust ball bearings, etc. This alteration of the scope of the review was justified in the complaint by the need to prevent a circumvention by false customs declaration/customs tariff classification of the imported ball bearings.
- (53) The review having been initiated, in accordance with the request, to cover all ball bearings with greatest external diameter not exceeding 30 mm, most of the importers and exporters concerned contested this extension of its *ratione materiae* scope of application. In order fully to cooperate with the Commission, they agreed to provide the information required with regard to all ball bearings with greatest external diameter not exceeding 30 mm, but made a formal reservation as to the legality of the above extension. In any event, and in view of the information provided during the investigation, the extension has not been shown to be justified.

(iii) Definitive measures

- (54) Since this is a review case, it has been decided to proceed directly to the definitive imposition of the above established duties rather than to pass through the provisional stage. This being so, the Commission, before drafting its proposal on this case, provided all exporters with details of its calculations and gave them ample time to comment on, and correct, any material errors.

(iv) Amendment to Regulation 2089/84

- (55) The part of Regulation (EEC) No 2089/84 relating to imports of single-row deep-groove ball bearings with greatest external diameter not exceeding 30

mm originating in Japan should accordingly be amended.

Definitive anti-dumping duty at the rates imposed by Regulation (EEC) No 2089/84 on imports originating in Japan are to be levied until the entry into force of this Regulation.

- (56) The provisions of Regulation (EEC) No 2089/84 which relate to imports of the same product originating in Singapore should remain unchanged, pending the outcome of the review⁽¹⁾ under Article 15 of Regulation (EEC) No 2423/88, which is currently in progress,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (2) of Regulation (EEC) No 2089/84 is hereby replaced by the following:

'2. The rates of the anti-dumping duty shall be as set out below, expressed as a percentage of the price net, free-at-Community frontier, before duty:

<i>Manufacturers/exporters</i>	<i>Rate of anti-dumping duty</i>	<i>Taric additional code</i>
JAPAN:		
— Sapporo Precision Ltd:	4,5 %	8450
— Nankai Seiko Co. Ltd:	7,0 %	8451
— Nachi-Fujikoshi Corp.:	8,1 %	8452
— Koyo Seiko Co. Ltd:	8,7 %	8453
— Nippon Seiko KK:	9,2 %	8454
— Inoue Jikuuke Kogyo Ltd:	9,2 %	8454
— NSK Micro Precision Ltd:	9,2 %	8454
— Others:	10,0 %	8455

No duty shall apply to imports of the products defined in paragraph 1 manufactured and sold for export to the Community by Fujino Iron Works Ltd (Taric additional code: 8456)

SINGAPORE:

— All manufacturers/exporters: 33,89 %'

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No C 240, 20. 9. 1989, p. 4.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 September 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 2686/90

of 17 September 1990

repealing Regulation (EEC) No 2347/87 imposing a definitive anti-dumping duty
on mechanical wrist-watches originating in the USSR

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for under the above Regulation,

Whereas,

A. Previous procedure

- (1) By Regulation (EEC) No 1882/82⁽²⁾ the Council imposed a definitive anti-dumping duty on mechanical wrist-watches originating in the USSR.
- (2) Following the imposition of that duty the complainant, Timex Corporation, Dundee, lodged an application with the Court of Justice of the European Communities pursuant to the second paragraph of Article 173 of the Treaty for partial annulment of Article 1 of Regulation (EEC) No 1882/82.

The Court, in its Judgment of 20 March 1985 in Case 264/82⁽³⁾ declared the Article in question to be void and ordered the anti-dumping duty imposed by that provision to be maintained until the competent institutions adopted the measures needed to comply with its Judgment.

- (3) Following a subsequent review procedure the Council, by Regulation (EEC) No 2347/87⁽⁴⁾, again imposed a definitive anti-dumping duty on imports of the product concerned.

B. Review procedure

- (4) In September 1989, the Commission received a request for review from the USSR exporter concerned and the largest importer of the product

in the Community based on Article 14 of Regulation (EEC) No 2423/88, alleging that the major Community producer of mechanical wrist-watches and the only one which had participated in the previous review procedure, i.e. Timex Corporation, had definitively ceased production and that there was accordingly no necessity for maintaining the anti-dumping duty in force. The Commission received confirmation from the company concerned that production had definitively ceased and decided that a review proceeding was therefore warranted.

- (5) Accordingly, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of a review of anti-dumping measures concerning imports into the Community of mechanical wrist-watches falling with CN code ex 9102 21 00 and ex 9102 29 00 and originating in the USSR.
- (6) The investigation covered the period from 1 February 1989 to 31 January 1990.
- (7) The Commission officially advised both the exporters and the importers known to be concerned, and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.
- (8) The French and UK importers made their views known in writing.

One Community producer, which had not participated in the previous review proceeding, i.e. Cattin, Morteau, France, made its views known in writing.

The Verband der Deutschen Uhrenindustrie, the Chambre Française de l'horlogerie et des micro-techniques and the British Clock and Watch Manufacturers' Association made their views known in writing, through the Comité permanent de l'horlogerie européenne.

- (9) The Commission sought and verified all information it deemed to be necessary for the purpose of its determination and carried out an investigation at the premises of the Community producer, Cattin, Morteau, France.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 207, 15. 7. 1982, p. 1.

⁽³⁾ *Timex v. Council and Commission* (1985) ECR p. 849.

⁽⁴⁾ OJ No L 213, 4. 8. 1987, p. 5.

⁽⁵⁾ OJ No C 24, 1. 2. 1990, p. 6.

C. Community industry

- (10) The Verband der Deutschen Uhrenindustrie and the Chambre Française de l'Horlogerie et des Micro-Techniques provided general industry production statistics. Although both associations extensively informed their members, only part of this alleged production was substantiated by the Community producer mentioned above.
- (11) Shortly after having made its views known in writing and after the investigation at its premises by the Commission, the Community producer informed the Commission that, due to a change in its economic situation, it was no longer in its interest to participate in the investigation.
- (12) This meant that the only known Community producer had withdrawn from the investigation and the Commission therefore considered that there was no longer a Community industry for the product concerned which needed protection against dumped imports. The Council confirms this conclusion.
- (13) The British Clock and Watch Manufacturers' Association raised the argument that dumped imports of the product concerned could have an influence on the marketability of all other wrist-watches, i.e., analogue and digital quartz watches.
- (14) Within the framework of the present investigation, however, this argument has little or no relevance since quartz watches use a completely different movement technology in comparison with mechanical watches and cannot therefore be considered a like product within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 to the mechanical watches imported from the USSR. A possible threat of injury in respect of quartz watches resulting from the imports in question cannot therefore be taken into account in the framework of the present proceeding.

D. Retarding the re-establishment of the industry

- (15) The British Clock and Watch Manufacturers' Association argued that the repeal of the anti-dumping

duty for the product concerned would cause a major problem in the event of another company wanting to start mechanical watch production. This was particularly the case since, the Association argued, mechanical watches were again in demand.

- (16) Although there seems indeed to have been a revival in demand for mechanical watches in the last few years, figures provided by the Comité Permanent de l'Horlogerie Européenne, and general import statistics, show that the revival is limited to the medium and high-quality segment of the market. Given the virtual demise of the industry in the Community during a period when anti-dumping measures were in force, it seems highly unlikely that any new Community production would focus on the low-quality end of the market where the product concerned is positioned.

E. Repeal of duty

- (17) In the light of the abovementioned arguments, in particular the absence of any relevant Community industry, it is concluded that this review proceeding should be concluded by the repeal of the anti-dumping duties referred to in recital (3).

No objections to the Commission's proposal were raised in the Advisory Committee.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2347/87 is hereby repealed.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 September 1990.

For the Council

The President

G. DE MICHELIS

COMMISSION REGULATION (EEC) No 2687/90

of 19 September 1990

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1801/90⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 September 1990;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1801/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 September 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 19 September 1990 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	39,96	151,45 ⁽²⁾ ⁽³⁾
0712 90 19	39,96	151,45 ⁽²⁾ ⁽³⁾
1001 10 10	20,60	190,88 ⁽¹⁾ ⁽³⁾
1001 10 90	20,60	190,88 ⁽¹⁾ ⁽³⁾
1001 90 91	26,85	159,97
1001 90 99	26,85	159,97
1002 00 00	51,60	145,86 ⁽⁶⁾
1003 00 10	42,97	142,76
1003 00 90	42,97	142,76
1004 00 10	34,61	127,21
1004 00 90	34,61	127,21
1005 10 90	39,96	151,45 ⁽²⁾ ⁽³⁾
1005 90 00	39,96	151,45 ⁽²⁾ ⁽³⁾
1007 00 90	56,65	155,45 ⁽⁴⁾
1008 10 00	42,97	57,67
1008 20 00	42,97	106,66 ⁽⁴⁾
1008 30 00	42,97	47,24 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	42,97	47,24
1101 00 00	50,93	237,30
1102 10 00	85,58	218,39
1103 11 10	45,06	309,00
1103 11 90	54,64	255,92

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 2688/90

of 19 September 1990

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1802/90⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 September 1990;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 September 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 19 September 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 9	1st period 10	2nd period 11	3rd period 12
0709 90 60	0	0	0	1,41
0712 90 19	0	0	0	1,41
1001 10 10	0	1,32	1,32	1,32
1001 10 90	0	1,32	1,32	1,32
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	3,29	3,29	6,59
1003 00 90	0	3,29	3,29	6,59
1004 00 10	0	4,98	4,98	4,98
1004 00 90	0	4,98	4,98	4,98
1005 10 90	0	0	0	1,41
1005 90 00	0	0	0	1,41
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,29	3,29	3,29
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	5,86	5,86	11,73	11,73
1107 10 99	0	4,38	4,38	8,76	8,76
1107 20 00	0	5,10	5,10	10,21	10,21

COMMISSION REGULATION (EEC) No 2689/90

of 19 September 1990

laying down detailed rules for applying the system of production aid for certain cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market for cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular Article 10b (4) thereof,

Whereas Article 10b of Regulation (EEC) No 2727/75 provides for aid to be granted for the production in the Community of buckwheat, canary seed and millet; whereas that aid is granted by the Member States per hectare sown and harvested up to 10 hectares per holding subject to a cultivation contract;

Whereas correct operation of the aid scheme requires supervision by the Member State to ensure that aid is granted only for the areas concerned and in respect of eligible products; whereas such supervision must include checks on the areas during the growing period and on delivery of the cereals produced on those areas;

Whereas experience in policing systems of production aid indicates that provisions providing for supervision and sanctions should be laid down;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 10b of Regulation (EEC) No 2727/75 shall be granted for the production of buckwheat, canary seed and millet in accordance with the conditions set out herein.

Article 2

1. In order to be eligible for aid, the producer shall submit an application constituting a declaration of the areas under cultivation in accordance with Article 4.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 5.
⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

2. Aid shall be granted only:

- for areas sown under a cultivation contract and where all normal cultivation work has been carried out,
- if the producer has delivered the harvest from that area to the purchaser.

3. The Member States may:

- determine a minimum area for the granting of aid. In no circumstances may such an area exceed one hectare,
- restrict the granting of aid to certain varieties.

Article 3

For the purposes of this Regulation, a cultivation contract means any written undertaking by the producer to sow and cultivate one or more of the crops referred to in Article 1 on a designated area and to deliver the product to a named purchaser.

Article 4

1. Any producer of buckwheat, canary seed or millet shall submit the application for aid referred to in Article 2 to the competent agency in the Member State before a date to be fixed by that Member State for each of the cereals and in any event not later than 31 May each year of the current marketing year. However in the case of buckwheat, Member States may put this date back to 30 June in regions where buckwheat is grown as a main crop.

2. The application for aid shall include at least the following particulars:

- the name, forenames and address of the applicant,
- the areas cultivated in hectares and in ares, the cadastral reference of the said areas or an indication recognized as equivalent by the agency responsible for checking the areas, and
- the variety of seed used, in so far as this is possible.

3. The application for aid shall be valid only if accompanied by the cultivation contract.

Article 5

1. The Member State shall pay the aid not later than 30 April following the end of the relevant marketing year, providing that the producer has provided proof of sale of his product in support of his application.

2. The operative event within the meaning of Article 5 of Council Regulation (EEC) No 1676/85⁽¹⁾ as regards entitlement to the aid shall be regarded as occurring on 1 July of the marketing year in question.

Supervision

Article 6

1. Checks on applications shall, in each competent administrative department, cover a percentage of applications submitted. The applications to be checked shall be selected at random.

2. The total percentage of applications to be checked may not be less than 5 %. It shall be increased to 10 % where, in an administrative department, checks on applications reveal that the area actually cultivated is less than 96 % of the area declared in the applications checked.

Article 7

1. When a check is carried out, all areas included in the application must be visited and the state of the cereal grown on them must be verified.

2. Areas shall be measured as follows:

- (a) an area consisting of one parcel: systematic measurement;
- (b) areas consisting of several parcels: measurement as follows:
 - from two to five parcels: the largest parcel and one medium-sized parcel,
 - from six to 10 parcels: the two largest and one medium-sized parcel,
 - over 10 parcels: the two largest and three medium-sized parcels.

In the case referred to in (b), the results of measurement shall be extrapolated to all the areas covered by the declaration. However, the applicant may require all the said areas to be measured.

Article 8

The proof of sale of the cereals referred to in Article 5 (1) may be provided in the form of a copy of the sale contract.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

General provisions

Article 9

1. If the check indicates an excess of up to 10 % but not more than one hectare over the area declared, aid shall be calculated on the area measured less the excess.

2. If the excess exceeds the limits provided for in paragraph 1, the application for the marketing year in question shall be rejected. Moreover, the applicant shall be ineligible for aid in the following marketing year.

3. Amounts wrongly paid shall be recovered, together with interest to be determined by the Member State from the date of payment of the aid to the date it was recovered. The Member States shall inform the Commission of the rate of interest used.

Article 10

Each field visit must be recorded in a report which must include the number of parcels visited, those measured, the measuring instruments used and, where applicable, the reasons why a declared area is reduced or an application rejected.

Article 11

If, for reasons attributable to the applicant, a check cannot be carried out, Article 9 (2) shall apply, except in cases of *force majeure*. Grounds for *force majeure* must be supplied by the party concerned in writing, within 10 days from the planned date of the check.

Article 12

1. Member States shall take such further steps as are necessary to apply this Regulation, including steps to avoid more than one application being lodged for a given area. Such steps shall be communicated to the Commission.

2. The Member States shall notify the areas in respect of which aid is granted.

Article 13

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from the 1990/91 marketing year.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2690/90

of 19 September 1990

fixing the number of young male bovine animals which may be imported on special terms in the fourth quarter of 1990, and derogating from Regulation (EEC) No 2377/80 in respect of that quarter as regards the allocation of the quantities available

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾ and in particular Articles 13 (4), 15 (2) and 25 thereof,

Whereas the Council has drawn up an estimated supply balance of 198 000 head under the new import arrangements applicable to young male bovine animals for fattening for the period 1 January to 31 December 1990; whereas, pursuant to Article 13 (4) (a) of Regulation (EEC) No 805/68, the number which may be imported each quarter and the rate of reduction in the import levy on such animals must be determined;

Whereas detailed rules for the practical application of these special arrangements were laid down in Commission Regulation (EEC) No 612/77⁽³⁾, as last amended by Regulation (EEC) No 1121/87⁽⁴⁾, and in Commission Regulation (EEC) No 2377/80⁽⁵⁾, as last amended by Regulation (EEC) No 1618/90⁽⁶⁾;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening must be taken into account; whereas those requirements are apparent in Italy and Greece and may be estimated for the fourth quarter of 1990 at 42 120 head and 6 435 head respectively in those Member States;

Whereas the supply requirements in young bovine animals for fattening justify, for the fourth quarter of 1990, a higher rate of reduction in the levy on animals weighing from 220 to 300 kilograms per head, originating in and coming from Yugoslavia, Hungary or Poland;

Whereas the quantities available must be shared between the traditional trade and other potential applicants;

Whereas, in order to simplify the procedure for allocating the quantities available it is necessary to derogate from Regulation (EEC) No 2377/80; whereas in the case of the

traditional trade the quantities available should be allocated directly in proportion to the number of head imported during the last three years; whereas in the case of other applicants the quantities available should be allocated directly in proportion to the number of head for which application is made;

Whereas, in the case of other applicants, the maximum quantity which each application for an import licence may cover must be limited, in order to permit a more equitable distribution of the quantities available; whereas for financial reasons a minimum number of head should be set for these applications;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 October to 31 December 1990, the maximum number referred to in Article 13 (4) (a) of Regulation (EEC) No 805/68 shall be 48 555 head of young male bovine animals for fattening, comprising:

- (a) 6 285 weighing not more than 300 kilograms per head and subject to a 65 % reduction in the levy, and
- (b) 42 270 weighing from 220 to 300 kilograms per head, originating in and coming from Yugoslavia, Hungary or Poland and subject to a 75 % reduction in the levy.

2. The reductions referred to in point 1 shall be in respect of the levy applicable on the day of acceptance of the declaration of release for free circulation.

3. The quantities referred to in paragraph 1 shall be distributed as follows:

	<i>Italy</i>	<i>Greece</i>
(a) 6 285 head	5 450	835
(b) 42 270 head	36 670	5 600

4. Applications for licences and licences shall, in accordance with Article 9 (1) (c) of Regulation (EEC) No 2377/80, relate to:

- either young bovine animals weighing not more than 300 kilograms per head,
- or young bovine animals weighing from 220 to 300 kilograms per head, originating in and coming from Yugoslavia, Hungary or Poland.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 18.

⁽⁴⁾ OJ No L 109, 24. 4. 1987, p. 12.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 152, 15. 6. 1990, p. 39.

In the latter case, Sections 7 and 8 of applications for licences and licences shall include one of the following entries :

- Yugoslavia y/o Hungria y/o Polonia,
- Jugoslaviën og/eller Ungarn og/eller Polen,
- Jugoslawien und/oder Ungarn und/oder Polen,
- Γιουγκοσλαβία ή/και Ουγγαρία ή/και Πολωνία,
- Yugoslavia and/or Hungary and/or Poland,
- Yougoslavie et/ou Hongrie et/ou Pologne,
- Jugoslavia e/o Ungheria e/o Polonia,
- Joegoslavië en/of Hongarije en/of Polen,
- Jugoslávía e/ou Hungria e/ou Polónia.

Licences shall carry with them an obligation to import from one or more of the countries indicated.

5. In the information referred to in Article 15 (4) (a) of Regulation (EEC) No 2377/80, Member States shall specify the category of live weight and the origin of the products in the case referred to in the second indent of the first subparagraph of paragraph 4.

6. Of the number of head reserved for Italy and Greece for each category notwithstanding Article 15 (6) (a) of Regulation (EEC) No 2377/80 :

- (a) 90 % may be allocated directly to applicants who provide proof of having imported animals qualifying under this scheme during the last three years.

Numbers covered by licences shall be allocated in proportion to the number of head imported in the three years concerned ;

- (b) 10 % may be allocated directly to other applicants, numbers being allocated in proportion to the number of head for which application is made. If, because of the numbers for which application is made the percentage reduction results in fewer than 10 head per import licence, the Member States shall, by drawing lots, allocate licences covering 10 head.

7. The proof referred to in paragraph 6 shall be provided by the customs document of release for free circulation.

8. Import licences shall only be issued for a number equal to or more than 10 head.

Article 2

1. As regards the quantities referred to in Article 1 (6) (b), applications for import licences shall

- (a) relate to a number equal to or more than 50 head, and
(b) relate to a quantity not exceeding 10 % of the quantities available except where the said 10 % results in a figure less than 50 head.

2. In cases where applications for import licences state quantities in excess of those provided for by this Regulation those applications shall only be considered within the limits of the said quantities.

Article 3

In the case of quantities imported under the terms of Article 8 (4) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, the levy shall be collected in full in respect of quantities in excess of those stated on the import licence.

Article 4

For the purposes of Article 15 (3) of Regulation (EEC) No 2377/80, all applications from one applicant ; which relate to the same category of weight and the same rate of reduction in the levy shall be treated as one application.

Article 5

Three weeks at the latest after import of the livestock referred to in this Regulation, importers shall inform the competent authorities which issued the import licences, of the number and origin of the animals imported. From November 1990 those authorities shall forward that information to the Commission at the beginning of each month.

Article 6

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2691/90

of 19 September 1990

introducing a corrective amount on the import of fresh lemons into the Community of Ten from Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain (except the Canary Islands) for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 1487/90 ⁽²⁾ fixed, for the 1990/1991 marketing year, the Community offer price for fresh lemons applicable with regard to Spain (except Canary Islands);Whereas Commission Regulation (EEC) No 3815/89 ⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain (except the Canary Islands);

Whereas, in the case of fresh lemons, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 has

remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain (except the Canary Islands);

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of fresh lemons (CN ex 0805 30 10) from Spain (except the Canary Islands) a corrective amount of ECU 1,83 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 21 September 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 140, 1. 6. 1990, p. 97.

⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2692/90
of 19 September 1990
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2547/90 ⁽³⁾, as last amended by Regulation (EEC) No 2682/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2547/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 September 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 237, 1. 9. 1990, p. 102.

⁽⁴⁾ OJ No L 255, 19. 9. 1990, p. 11.

ANNEX

to the Commission Regulation of 19 September 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,20 ⁽¹⁾
1701 11 90	36,20 ⁽¹⁾
1701 12 10	36,20 ⁽¹⁾
1701 12 90	36,20 ⁽¹⁾
1701 91 00	44,11
1701 99 10	44,11
1701 99 90	44,11 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 2693/90

of 19 September 1990

fixing the maximum export refund for white sugar for the 21st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 983/90, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 21st partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas, in view of the present circumstances in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 21st partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 39,749 per 100 kilograms.

2. The refund on export to the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 20 September 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 100, 20. 4. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2694/90

of 19 September 1990

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2626/90⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2626/90 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in view of the present circumstance in the German Democratic Republic and their effects on the

market situation, no refund should be fixed for products to be exported to that destination,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2626/90 are hereby altered to the amounts shown in the Annex hereto.

2. The refund on export to the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 20 September 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 250, 13. 9. 1990, p. 9.

ANNEX

to the Commission Regulation of 19 September 1990 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,19 ⁽¹⁾	
1701 11 90 910	32,42 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,19 ⁽¹⁾	
1701 12 90 910	32,42 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3608
1701 99 10 100	36,08	
1701 99 10 910	36,87	
1701 99 10 950	36,87	
1701 99 90 100		0,3608

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 2695/90

of 19 September 1990

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2475/90⁽⁷⁾, as last amended by Regulation (EEC) No 2683/90⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 September 1990;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2475/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 20 September 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 234, 29. 8. 1990, p. 5.

⁽⁸⁾ OJ No L 255, 19. 9. 1990, p. 13.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 19 September 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1102 20 10	77,46	275,08	281,12
1102 20 90	43,49	155,88	158,90
1103 13 11	77,46	275,08	281,12
1103 13 19	77,46	275,08	281,12
1103 13 90	43,49	155,88	158,90
1103 29 40	77,46	275,08	281,12
1104 19 50	77,46	275,08	281,12
1104 23 10	66,51	244,51	247,53
1104 23 30	66,51	244,51	247,53
1104 23 90	43,49	155,88	158,90
1104 30 90	35,80	114,62	120,66
1106 20 91	84,43	242,41 ⁽³⁾	266,59
1106 20 99	84,43	242,41 ⁽³⁾	266,59
1108 12 00	84,43	246,04	266,59
1108 13 00	84,43	246,04	266,59 ⁽⁴⁾
1108 14 00	84,43	123,02	266,59
1108 19 90	84,43	123,02 ⁽³⁾	266,59
1702 30 51	180,05	320,92	417,64
1702 30 59	130,37	246,04	312,53
1702 30 91	180,05	320,92	417,64
1702 30 99	130,37	246,04	312,53
1702 40 90	130,37	246,04	312,53
1702 90 50	130,37	246,04	312,53
1702 90 75	184,02	336,20	432,92
1702 90 79	127,20	233,81	300,30
2106 90 55	130,37	246,04	312,53
2303 10 11	260,70	305,64	486,98

⁽³⁾ In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

⁽⁴⁾ Pursuant to Regulation (EEC) No 3899/89, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed amount of 5 000 tons.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 September 1990

recognizing that production of certain quality wines produced in specified regions is, because of their qualitative features, far below demand

(Only the German text is authentic)

(90/472/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas under Article 6 (1) of Regulation (EEC) No 822/87 all new plantings of wines are prohibited until 31 August 1996; whereas, however, that provision allows Member States for the 1990/91 wine year to authorize new plantings in the case of quality wines psr for which the Commission has recognized that production, because of their qualitative features, is far below demand;

Whereas requests to apply that provision to certain quality wines psr were submitted by the German Government on 31 May 1990 and on 11 July 1990;

Whereas scrutiny of those requests shows that the quality wines psr concerned meet the requirements applicable provided that, for all quality wines psr produced in any given region, the increase in the areas intended for their production does not exceed the limits laid down by the German Government;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr listed in the Annex hereto meet the requirements laid down in the second subparagraph of Article 6 (1) of Regulation (EEC) No 822/87 subject, for all quality wines psr in any given region, to compliance with the maximum increase in area specified in the Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

ANNEX

Quality wine psr	Area (ha)
FEDERAL REPUBLIC OF GERMANY :	
Specified regions :	
Ahr, Mittelrhein and Nahe	12
Mosel-Saar-Ruwer	130
Rheinhessen	430
Rheinpfalz	410
Total	982

COMMISSION DECISION

of 12 September 1990

recognizing that production of certain quality wines produced in specified regions is, because of their qualitative features, far below demand

(Only the Italian text is authentic)

(90/473/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 1325/90⁽²⁾, and in particular Article 6 (4) thereof,

Whereas under Article 6 (1) of Regulation (EEC) No 822/87 all new plantings of wines are prohibited until 31 August 1996; whereas, however, that provision allows Member States for the 1990/91 wine year to authorize new plantings in the case of quality wines psr for which the Commission has recognized that production, because of their qualitative features, is far below demand;

Whereas requests to apply that provision to certain quality wines psr were submitted by the Italian Government on 15 December 1989 and on 25 May 1990;

Whereas scrutiny of those requests shows that the quality wines psr concerned meet the requirements applicable provided that, for all quality wines psr produced in any given region, the increase in the areas intended for their production does not exceed the limits laid down by the Italian Government.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr listed in the Annex hereto meet the requirements laid down in the second subparagraph of Article 6 (1) of Regulation (EEC) No 822/87 subject, for all quality wines psr in any given region, to compliance with the maximum increase in area specified in the Annex.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 12 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

ANNEX

Quality wine psr	Area (ha)
ITALY	
Emilia-Romagna	
Colli piacentini	168,3394
Colli di Parma	23,0840
Friuli-Venezia Giulia	
Aquileia	64,4779
Carso	7,5925
Colli orientali del Friuli	135,6215
Collio	76,7979
Grave del Friuli	401,0593
Isonzo	94,0883
Latisania	8,9480
Lison-Pramaggiore	1,2740
Umbria	
Orvieto Orvieto classico	367,5574
Sagrantino di Montefalco	27,70
Sardegna	
Vermentino di Sardegna	395,5580
Cannonau di Sardegna	125,7800
Carignano del Sulcis	37,3600
Trento	
Trentino	173,2719
Teroldego Rotaliano	9,0903
Lombardia	
Lugana bianco	38,8841
Francia corta	124,9630
Lazio	
Frascati	14,9200
Velletri	13,6470
Marino	3,6980
Zagarolo	0,4080
Colli Albani	6,0000
Montecompatri Colonna	1,1500
Cerveteri bianco	13,0934
Marche	
Bianchetto del Metauro	263,6000
Verdicchio dei Castelli di Jesi	527,1500
Verdicchio di Matelica	117,0620

COMMISSION DECISION

of 12 September 1990

recognizing that production of certain quality wines produced in specified regions is, because of their qualitative features, far below demand

(Only the Spanish text is authentic)

(90/474/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas under Article 6 (1) of Regulation (EEC) No 822/87 all new plantings of wines are prohibited until 31 August 1996; whereas, however, that provision allows Member States for the 1990/91 wine year to authorize new plantings in the case of quality wines psr for which the Commission has recognized that production, because of their qualitative features, is far below demand;

Whereas requests to apply that provision to certain quality wines psr were submitted by the Spanish Government on 13 March 1989 and on 28 June 1990;

Whereas scrutiny of those requests shows that the quality wines psr concerned meet the requirements applicable provided that, for all quality wines psr produced in any given region, the increase in the areas intended for their production does not exceed the limits laid down by the Spanish Government.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr listed in the Annex hereto meet the requirements laid down in the second subparagraph of Article 6 (1) of Regulation (EEC) No 822/87 subject, for all quality wines psr in any given region, to compliance with the maximum increase in area specified in the Annex.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 12 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

ANNEX

Quality wine psr	Area (ha)
SPAIN	
Región Catalana	
Comunidad Autónoma de Cataluña :	
— 'Penedés'	300
— 'Costera del Segre'	110
— 'Tarragona'	100
— 'Terra Alta'	50
Región Aragonesa	
Comunidad Autónoma de Aragón :	
— 'Somontano'	250
Región del Duero	
Comunidad Autónoma de Castilla y León :	
— 'Ribera del Duero'	700
— 'Rueda'	400
Región Central	
Comunidad Autónoma de Castilla — la Mancha :	
— 'Valdepeñas'	200
Región del Alto Ebro	
Comunidad Foral de Navarra :	
— 'Navarra'	1 000
— 'Rioja'	200
Comunidad Autónoma del País Vasco :	
— 'Rioja'	500
Comunidad Autónoma de La Rioja :	
— 'Rioja'	1 600
Total	5 410

COMMISSION DECISION**of 12 September 1990****recognizing that production of certain quality wines produced in specified regions is, because of their qualitative features, far below demand****(Only the Greek text is authentic)****(90/475/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas under Article 6 (1) of Regulation (EEC) No 822/87 all new plantings of wines are prohibited until 31 August 1996; whereas, however, that provision allows Member States for the 1990/91 wine year to authorize new plantings in the case of quality wines psr for which the Commission has recognized that production, because of their qualitative features, is far below demand;

Whereas requests to apply that provision to certain quality wines psr were submitted by the Greek Government on 18 May 1990;

Whereas scrutiny of those requests shows that the quality wines psr concerned meet the requirements applicable provided that, for all quality wines psr produced in any given region, the increase in the areas intended for their production does not exceed the limits laid down by the Greek Government.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr listed in the Annex hereto meet the requirements laid down in the second subparagraph of Article 6 (1) of Regulation (EEC) No 822/87 subject, for all quality wines psr in any given region, to compliance with the maximum increase in area specified in the Annex.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 12 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

ANNEX

Quality wine psr	Area (ha)
GREECE	
Kephalonia	200
Samos	500
Limnos	500
Naoussa	300

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2051/90 of 17 July 1990 imposing a temporary anti-dumping duty on imports of woven polyolefin sacks originating in the People's Republic of China

(Official Journal of the European Communities No L 187 of 19 July 1990)

On page 36 and in the contents on page 2 of the cover the title shall read :

'Commission Regulation (EEC) No 2051/90 of 17 July 1990 imposing a provisional anti-dumping duty on imports of woven polyolefin bags originating in the People's Republic of China',
and throughout the Regulation for all references to 'sacks' read 'bags'.
